

ESTTA Tracking number: **ESTTA717750**Filing date: **12/31/2015**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Industria de DiseÃ±o Textil, S.A (Inditex, S.A.)
Granted to Date of previous extension	01/03/2016
Address	Avda. de la DiputaciÃ³n, Edificio Inditex Arteixo (A CORUÃ±A), E-15142 SPAIN
Attorney information	Ricardo Fischer Arent Fox LLP 1717 K St. NW Washington, DC 20006 UNITED STATES loni.sherwin@arentfox.com, ricardo.fischer@arentfox.com, jimee-lah.berryman@arentfox.com, tmdocket@arentfox.com

Applicant Information

Application No	86341651	Publication date	07/07/2015
Opposition Filing Date	12/31/2015	Opposition Period Ends	01/03/2016
Applicant	The Trustees of the Zora Neale Hurston Trust 241 Avenue of the Americas Suite: 11H New York, NY 10014 UNITED STATES		

Goods/Services Affected by Opposition

Class 016. First Use: 2003/08/19 First Use In Commerce: 2003/08/19 All goods and services in the class are opposed, namely: Printed material, namely, newsletters, informational brochures, programs and books featuring information about the life and writings of Zora Neale Hurston; posters; calendars; decals
Class 025. First Use: 2003/08/19 First Use In Commerce: 2003/08/19 All goods and services in the class are opposed, namely: Clothing, namely, shirts and hats


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1922163	Application Date	09/01/1994
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Registration Date	09/26/1995	Foreign Priority Date	NONE
Word Mark	ZARA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1988/00/00 First Use In Commerce: 1989/09/27 accessories, namely belts, [suspenders,] neckwear, scarves, shawls, headwear,gloves, hosiery		

U.S. Registration No.	2392637	Application Date	09/01/1998
Registration Date	10/10/2000	Foreign Priority Date	NONE
Word Mark	ZARA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 0 First Use In Commerce: 0 Clothing for men, women and children, namely, socks, stockings, [lingerie, brassieres,] panties, [knickers, overalls,] tops, vests, undershirts, underpants, pajamas, swimwear, trousers, skirts, slacks, blouses, shirts, t-shirts, sweaters, waistcoats, shawls, pullovers, cardigans, jerseys, jackets, suits, ties, [cravats,] overcoats, coats, [hunting jackets,] track suits, raincoats, gloves,suspenders, belts, stoles and ponchos; footwear; headgear, namely, hats, scarves, caps [and headbands]		

U.S. Registration No.	2653040	Application Date	09/23/1998
Registration Date	11/26/2002	Foreign Priority Date	07/14/1998
Word Mark	ZARA BASIC		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 0 First Use In Commerce: 0 Leather goods and imitation leather goods, namely, [cosmetic bags sold empty, knapsacks,] tote bags, athletic bags, purses, handbags, wallets, [keycases, luggage trunks, attache cases, suitcases, overnight cases,] briefcases [,] *and * umbrellas [, parasols and walking sticks] Class 025. First use: First Use: 0 First Use In Commerce: 0 Men, women and children's clothing, namely, socks, underwear, [overalls,] vests, pajamas, [nightgowns swimsuits,] skirts, pants, trousers, shorts, blouses,shirts, t-shirts, [sweatshirts,] sweaters, shawls, [jackets, suits,] ties, coats, [hunting jackets track suits raincoats,] gloves, [suspenders,] belts,[stoles, ponchos,] headgear, namely, hats, caps [,] * and * scarves [, sweat-		

	bands, headbands and footwear]		
U.S. Registration No.	2987219	Application Date	09/16/2003
Registration Date	08/23/2005	Foreign Priority Date	NONE
Word Mark	ZARA HOME		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 003. First use: First Use: 0 First Use In Commerce: 0 Skin soaps; liquid hand soaps; [moisturizing lotion; fragrances, namely, perfumes, toilet water, fragranced body spray and colognes; after shave lotion; antiperspirants and deodorants; talcum powder; hair care products, namely, gels, pomades, mousse, spray, shampoos and conditioners, styling tonics and fixatives, and hair bleaching preparations and lighteners; toothpaste;] cosmetics, namely, skin care creams, beauty creams; [depilatory creams and waxes, skin cleaning creams, face make-up, blush, rouge, mascara, eye shadow, eye liner, eyebrow pencils, lip gloss, and lipsticks; non-medicated lip balm; nail varnishes; shaving gel; bath and shower gels; bath beads; non-medicated bath salts; bubble bath; sunscreens and sunblocks; potpourri;] incense; [room sprays, aromatherapy creams, aromatherapy lotions, and aromatherapy oils; and emery boards]</p> <p>Class 008. First use: First Use: 0 First Use In Commerce: 0 Cutlery and flatware, namely, knives, spoons, and forks; kitchen knives; [pocket knives; sport knives; razors; razor cases; shaving cases; nail clippers; nailfiles; manicure sets; hair and beard clippers; depilation appliances; non-electric hand implements for hair curling; scissors; and tweezers]</p> <p>Class 020. First use: First Use: 0 First Use In Commerce: 0 [Furniture; fitted fabric furniture covers;] mirrors; [umbrella stands;] hat and coat racks; non-metal wall hooks for robes and other garments; wooden and plastic boxes; picture frames; [sleeping bags; pillows; cushions; non-metal and non-leather key chains;] jewelry boxes not of metal; [drapery hardware, namely, rods, poles, curtain hooks, curtain rods, finials and curtain rings not of metal; hampers; magazine racks and storage racks;] hangers for clothing; [non-metal pegs for clothing]</p> <p>Class 021. First use: First Use: 0 First Use In Commerce: 0 Soap holders; [nail brushes; hair brushes and combs; non-electric toothbrushes; toothbrush holders; bottle openers;] coasters not of paper and not being table linen; plates; bowls; cups; beverage glassware and beverage ware; serving trays and platters not of precious metal; serving forks, spoons, ladles, and tongs not of precious metal; salt and pepper shakers; cruets for oil and vinegar not of precious metal; [decanters and carafes;] candle holders not of precious metal; vases; decorative porcelain and earthenware in the nature of statuary, figurines, ornaments, plates, vases and bowls; wine buckets; [wine racks; wicker,] straw and wood baskets; [bath sponges; facial sponges for applying makeup; sponges for household purposes; shaving brushes; shaving brush stands; shoe brushes; shoe horns; non-electric trouser presses; perfume sprayers and vaporizers sold empty; clothes brushes; cosmetic brushes; scrubbing brushes; plastic water bottles sold empty]</p> <p>Class 024. First use: First Use: 0 First Use In Commerce: 0 [Furniture upholstery fabrics;] bed, bath, table, and household linens; bed blankets; blanket throws; quilts; comforters; kitchen and bath towels; handkerchiefs; [textile wall hangings; tapestries of textiles;] curtains [and draperies;] eiderdowns; [crib bumpers; afghans,] shower curtains; [unfitted fabric furniture</p>		

	<p>covers;] oven mitts; [pot holders; tea towels;] pillow covers; [pillow shams; dust ruffles; and duvet covers]</p> <p>Class 025. First use: First Use: 0 First Use In Commerce: 0</p> <p>Clothing for men, women and children, namely, socks, stockings, lingerie, brassieres, hosiery, panties, [overalls,] tops, vests, [undershirts,] under-pants, pajamas, swimwear, trousers, skirts, dresses, [slacks,] pants, blouses, shirts, T-shirts, sweaters, waistcoats, [shawls,] pullovers, [cardigans,] jerseys, jackets, [suits, ties, cravats, overcoats,] coats, [hunting jackets, track suits, raincoats,] gloves, [suspenders,] belts, [stoles] and ponchos, and footwear; headwear, namely, hats, scarves, caps and headbands</p> <p>Class 035. First use: First Use: 0 First Use In Commerce: 0</p> <p>[Retail store, computerized online retail, and catalog services in the fields of housewares, furniture, home furnishings, glassware, tableware, gifts, household linens, dinnerware, cookware, clothing, clothing accessories, beauty and personal care products, leather goods, luggage and bags]</p>
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U.S. Registration No.	3835143	Application Date	11/06/2007
Registration Date	08/17/2010	Foreign Priority Date	07/03/2007
Word Mark	ZARA HOME		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 002. First use: First Use: 0 First Use In Commerce: 0</p> <p>Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants; mordant dyes; raw natural resins; metal in foil and powder form for painters, decorators, printers and artists; anti-corrosive papers; anti-corrosive coatings; paint, namely, whitewash; dyestuffs; wood preservatives; ink for leather, namely, leather stains; ink for leather, namely, dyes for use in the manufacture of leather; colorant, namely, indigo; wood stains; ink for skin-dressing, namely, tattoo ink; thinners for paints; siccatives for use as a drying agent for paints</p> <p>Class 004. First use: First Use: 0 First Use In Commerce: 0</p> <p>Industrial oils and greases; all purpose lubricants; lubricants for use on household items; industrial lubricants; dust absorbing, wetting and binding compositions for use in sweeping; fuels; illuminants, namely, kerosene, paraffin wax; candles; lamp wicks; candle wicks; moistening oil, namely, lubricating oils for industrial use; grease for shoes, grease for preserving leather</p> <p>Class 005. First use: First Use: 0 First Use In Commerce: 0</p> <p>Sanitary preparations for medical purposes; food for babies; plasters for medical purposes; bandages for dressings; all-purpose disinfectants; disinfectants for sanitary purposes; preparations for destroying vermin; fungicides, herbicides, nutritionally fortified mineral water for medical use; cotton wool for medical purposes; incontinence garments; medicated compresses; eye compresses; household deodorant; car deodorant; deodorants for clothing or textiles; first aid kits; solutions for use with contact lenses; incontinence pads; panty liners; pregnancy test kits for home use; medicated sunburn ointments; mouthwashes for medical purposes; aromatic salts for medical use; bath salts for medical use; medicated bath salts for mineral water baths; menstruation tampons; surgical tissues</p> <p>Class 006. First use: First Use: 0 First Use In Commerce: 0</p>		

	<p>Common metals and their alloys; metal reinforcement materials for building; transportable metal buildings; metal materials for railway tracks; non-electric cables and wires of common metal; pipes and tubes of metal; metal safes; copper ores, lead ores, tin ores, metal toolboxes, preserving boxes, namely, tins of metal, and preserve tins of metal, metal padlocks, metal bells, metal chests, general purpose metal storage units, metal stepladders, metal step stools, metal hooks, buckles of common metal; metal money boxes; non-luminous and non-mechanical signboards of metal; metal tins, keyrings of common metal; works of art of common metal; poles of metal; identity plates of common metal; metal hardware, namely, metal nuts, metal bolts, metal washers, carabiners of metal; wire cloth; wire gauze; non-electric metal door bells, metal knobs</p> <p>Class 009. First use: First Use: 0 First Use In Commerce: 0</p> <p>Apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, namely, microprocessors, circuit boards, electrical conductors, transformers, accumulators; apparatus for recording, transmitting, reproducing sound or images; magnetic recording media, namely, blank sound recording discs, prerecorded sound recording discs featuring music; automatic vending machines and mechanisms for coin-operated apparatus, cash registers, calculating machines, data processing equipment and computers; fire extinguishers, electronic agendas; apparatus for games adapted for use with television receivers only; telephone apparatus; weighing scales; compasses; pince-nez chains; calculators; shoes for protection against accidents, protective helmets; spyglasses; chronographs for use as a specialized time recording apparatus; bulletproof jackets, swimming jackets for life preserving purposes, life jackets; pince-nez cords; spectacle lenses; measuring spoons; pedometers; blank compact discs, prerecorded compact discs featuring music and images; prerecorded optical compact discs featuring music; reflective mirrors to prevent accidents; scientific and technical apparatus, namely, optical mirrors; spectacle cases, for pince-nez and for contact lenses; floats for bathing and swimming for safety purposes; spectacles; sunglasses; antiglare glasses; binoculars; gloves for divers; gloves for protection against accidents; printers for use with computers; temperature indicators; instruments containing eyepieces, namely, telescopes, microscopes; shoes for protection against irradiation and fire; cassette players; apparatus for reading bar codes, namely, bar code readers; eyeglasses; contact lenses; eyeglass lenses; traffic-light apparatus, namely, signal lanterns; photographic projectors; magnifying glasses; dictating machines; tape measures; spectacle frames and lenses; weight belts for diving; electric and galvanic batteries; electric flat irons. computer software for use in games, screen savers, database management, word processing; recorded computer operating programs; computer mice; magnetic cards; thermometers, not for medical purposes; electronic pocket translators; clothing for protection against accidents and radiation; protective suits for aviators; fire protection suits and clothing; electronic transistors</p> <p>Class 011. First use: First Use: 0 First Use In Commerce: 0</p> <p>Electrically-heated bed covers not for medical purposes; electric toasters, electric hand drying apparatus for washrooms; bathtubs, bidets, light bulbs, electric coffee machines, electric heaters for feeding bottles; cookers, namely, electric slow cookers, electric egg cookers, electric bread cookers, electric pressure cookers, electric rice cookers, gas cookers, electromagnetic induction cookers for household purposes, showers, lighters primarily for lighting grills, fireplaces, and candles, lanterns, sinks, lamp globes, taps, lamps, electric pocket torches for lighting, electric blankets not for medical purposes; strainer screens for plumbing drains, hair driers; electric laundry dryers; optical lamps for projectors</p> <p>Class 012. First use: First Use: 0 First Use In Commerce: 0</p> <p>Child safety seats for land vehicles; bicycles; motorized golf carts; shopping carts; carts for hauling and transporting cleaning supplies, safety belts for vehicle seats; baby carriages; windshield sunshades for motor cars; seat-covers</p>
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	<p>for bicycles and motorcycles; seat covers for vehicles; semi-fitted covers for vehicles; tricycles; sleighs</p> <p>Class 014. First use: First Use: 0 First Use In Commerce: 0</p> <p>Precious metals and their alloys; jewellery, precious stones; horological and chronometric instruments, ornaments of precious metal for footwear and hats; ornamental pins; tie pins; cuff-links; badges of precious metal; novelty key rings of precious metal; medals; collectible coins; works of art of precious metal</p> <p>Class 015. First use: First Use: 0 First Use In Commerce: 0</p> <p>Musical instruments; musical boxes; cases for musical instruments; perforated music rolls for use in player pianos; sheet music stands; picks for stringed instruments</p> <p>Class 016. First use: First Use: 0 First Use In Commerce: 0</p> <p>Paper, cardboard; printed publications, namely, magazines and periodicals featuring information and entertainment of general interest; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials, namely, artists' pastels, artists' pens; paint brushes; typewriters and office requisites, namely, adhesive tape dispensers, corrective fluid for type, paper shredders, staplers, finger-stalls, franking machines, envelope sealing machines, paper embossers, punches; plastic packaging materials, namely, plastic bags for packaging, plastic bubble packs for packaging; printers' type; printing blocks, scrapbooks; almanacs; office labeling machines; loose-leaf binders; writing articles and instruments, namely, pens, pads, ink; cardboard or paper boxes; hat boxes of cardboard; iron-on transfers; calendars; folders for papers; posters; passport holders; catalogues in the field of games and playthings, clothing, clothing accessories, personal care products, leather goods, luggage and bags, footwear, jewelry, cosmetics, fragrances, sunglasses and housewares; trading cards; newspapers; drawing portfolio cases; stencil cases; paper labels; sealing wax; books in the field of cooking, travel, décor, design, architecture; lithographs; paper table linen; letter writing cases comprising stationery and writing utensils; engravings; disposable babies' diapers of paper and cellulose; paper handkerchiefs; boxes for pens; chequebook holders; packing paper; toilet paper; paperweights; patterns for dressmaking and for clothes; paper mats for beer glasses; bookmarks; bags, envelopes, and pouches of paper or plastic for packaging; napkins of paper for removing make-up; table napkins of paper; face towels of paper; bookends; pattern tracing cloth for home sewing; bookbinding cloth; ink sheets for use in reproducing images in the printing industry; canvas for painting; writing ink; inkwells; tailors' chalk; paper hand towels</p> <p>Class 018. First use: First Use: 0 First Use In Commerce: 0</p> <p>Leather and imitations of leather; animal skins, hides; trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harnesses and saddlery, hand-bag frames; umbrella frames; sling bags for carrying infants; wheeled shopping bags; purses; travelling bags; handbags; boxes of leather or leatherboard; hat boxes of leather; boxes of vulcanized fibre in the nature of luggage; pocket wallets; briefcases; vanity cases sold empty; collars for animals; leather leashes for animals; leather laces for luggage; travelling cases of leather; key cases of leather; saddlery; leather lining for footwear; umbrella covers; saddle cloths for horses; rucksacks; briefcases; haversacks; purses, not of precious metal; leather bags, envelopes, and pouches for merchandise packaging; travel bags for campers and climbers; bags for campers and climbers, namely, backpacks; school bags; garment bags for travel</p> <p>Class 022. First use: First Use: 0 First Use In Commerce: 0</p> <p>Ropes, string, fabric and polyester mesh net used for storing toys and other household items, nets for hay, nets to be affixed in refrigerators using suction cups for the purpose of securing food items, swimming pool skimming nets, tents, awnings, tarpaulins, sails, laundry bags, garment bags for storage, mesh bags for storage, cloth bags for storage, multi-purpose cloth bags, packaging bags of textile material; padding and stuffing materials not of rubber, paper or</p>
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	<p>plastic;raw fibrous textile materials, eiderdown; straw wrappers for bottles; ham-mocks</p> <p>Class 026. First use: First Use: 0 First Use In Commerce: 0</p> <p>Lace and embroidery, ribbons and braid;buttons, hooks and eyes, sewing pins, bobby pins, marking pins, safety pins, needles; artificial flowers; trimmings for-clothing, namely, tinsels; pin cushions; hat and shoe ornaments not of precious-metal; hair ornaments; hair bands; buttons; armbands; reins for guiding children; clothing accessories, namely, brooches, buckles, feathers for ornamentation, pompons; sewing boxes; belt clasps; shoelaces; wreaths of artificial flowers; tea cosies; ornamental novelty buttons; sewing thimbles; bows for the hair; needle cases not of precious metal; shoe buckles; shoulder pads for clothing; hair-pins; ornamental novelty badges not of precious metal; sequins; numerals or letters for marking linen in the nature of cloth patches and fabric appliqué's; bodkins; hair grips, hair slides; passementerie; zip fasteners; cases for needles of precious metal</p> <p>Class 027. First use: First Use: 0 First Use In Commerce: 0</p> <p>Carpets, rugs, mats and matting, linoleum for covering existing floors; non-textile wall hangings, bathmats; paper for wall coverings; wallpaper; floor coverings; carpet underlays; floor coverings</p> <p>Class 028. First use: First Use: 0 First Use In Commerce: 0</p> <p>Games, namely, arcade games, board games, card games, dice games, dart games, chess games, puzzle games; toys, namely, puppets, musical toys, mechanical actiontoys, children's multiple activity toys, bath toys, toy building blocks, construction toys, toy vehicles, plush and stuffed toys, dolls, action figures; gymnastic apparatus; sports balls; Christmas tree decorations, machines for physical exercises; Christmas trees of synthetic material; bladders of balls for games; dolls' houses; climbers' harnesses; elbow and knee guards for athletic use; kites;dice cups; baseball, boxing, fencing and golf gloves; electronic games other than those adapted for use with televisionreceivers only; marionettes; carnival and theatre masks; tables for table tennis; party favours in the nature of small toys, crackers and noisemakers; rackets and baseball bats; baby rattles; doll's clothing</p> <p>Class 034. First use: First Use: 0 First Use In Commerce: 0</p> <p>Tobacco; matches; cigar and cigarette boxes not of precious metal; tobacco pouches; cigarette cases not of precious metal; ashtrays not of precious metal for smokers; cigar cutters; lighters for smokers; cigarette tips; tobacco pipes; small cigar cases; tobacco pipe cleaners; cigarette paper; tobacco jars; match-boxes not of precious metal; liquefied gas cylinders for cigar lighters; pocket machines for rolling cigarettes; booklets of cigarette papers; firestones; pipe racks;match holders not of precious metal; cigar cases with humidifier; ashtrays of precious metal for smokers</p>
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U.S. Registration No.	4030529	Application Date	07/20/2010
Registration Date	09/27/2011	Foreign Priority Date	NONE
Word Mark	ZARA		
Design Mark			


Description of Mark	NONE
Goods/Services	<p>Class 014. First use: First Use: 0 First Use In Commerce: 0</p> <p>precious metals and their alloys and goods in precious metals or coated there-with not included in other classes, namely, bracelets, necklaces, rings and boxes;jewelry, precious stones; horological and chronometric instruments; orna-mental pins; tie pins; works of art of preciousmetal; fancy key rings of precious metal; medals; non-monetary coins; badges ofprecious metal; ornaments of pre-cious metal for footwear and hats; cuff-links; wristwatches; cases for watches; watch bands; jewelry cases; pocket watches; sundials; electric watches; tie clips; charms as pendants; paste jewelry; ivory ornaments in the nature of jew-elry; pearls as jewelry; earrings; alarm clocks</p> <p>Class 016. First use: First Use: 0 First Use In Commerce: 0</p> <p>paper; cardboard; printed publications,namely, surveys, reports, catalogues, and brochures featuring textiles, business developments, and fashion; bookbinding-material; photographs; stationery; adhesives for stationery or household pur-poses; artists' materials, namely, artists'pastels and artists' pens; paintbrushes; typewriters; office requisites, namely, adhesive tape dispensers, corrective fluid for type, paper shredders, staplers, finger-stalls, franking machines, envelope sealing machines, paper embossers and punches; printed instructional and teaching material in the field of textiles, retail services, fashion, and businessad-ministration; plastic packing materials, namely, plastic bags for packaging and plastic bubble packs for packaging; printers' type; printing blocks; engravings; cardboard or paper boxes; patterns for dressmaking and sewing; napkins of pa-per for removing make-up; stencil cases;paper labels; paper table linen; table napkins of paper; disposable babies' diapers of paper and cellulose; disposable babies' diaper-pants of paper and cellulose; paper handkerchiefs; pen holders; checkbook holders; stationery cases; inking sheets for document reproducing machines, namely, spirit masters for mimeographing; bags in the nature of en-velopes and pouches of paper or plastics for packaging; tailors' chalk; face tow-els of paper; hat boxes of cardboard; tracing paper; bookbinding cloth; canvas for painting; paper hand towels; scrapbooks; almanacs; hand-held labeling devices; document files; writing instruments; iron-on transfers; calendars; posters; folders forpapers; passport holders; catalogs in the field of games and playthings, clothing, clothing accessories, personal care products, leather goods, luggage and bags, footwear, jewelry, cosmetics, fragrances, sunglasses and house wares; tradingcards; drawing sets; diaries, newspapers; sealing wax; books in the field of cooking, travel, dÃ©cor, design and architecture; litho-graphs; wrapping paper; toilet paper; paperweights; paper mats for beer glasses; bookmarks; bookends; inks for writing instruments; inkwells; paper bibs; drawing materials, namely, pens, pencils, charcoal pencils, chalks, pastel-crayons and artists' pastels; graphic prints; school supplies, namely, writing in-struments, pens, pencils, mechanical pencils, erasers, markers, crayons, high-lighter pens, folders, notebooks, paper, protractors, paper clips, pencil sharpen-ers, writing grips, glue and book marks;writing slates; comic books; stickers as stationery; steel letters, namely, print letters and blocks; pen nibs; watercolors; adhesive tape dispensers; adhesivetapes and bands for stationery or household use; cigar bands; letter files; modeling clay; printed paper calculating tables; drawer liners of paper; architects' models; atlases; paper flags; printed tickets; stationery pads; ball-point pens; bags for microwave cooking; writing board erasers; rubber erasers; erasers; bottle packaging and sleeves of cardboardor paper; painters' easels; songbooks; charcoal pencils; writing paper; paper or cardboard notice boards; booklets, in the fields of textiles, retail ser-vices,business developments, and fashion; inksticks; modeling wax, not for dental purposes; drawing pins; paper tapes and ribbons; inking ribbons for com-puter printers; typewriter ribbons; magnetic paper clip surfaces design for hold-ing paper clips; drawing compasses; paper clasps inthe nature of paper clips; paper cutters; patterns for making clothes; school writing books; drawing books;</p>

	<p>paintings, framed or unframed; bookbinding apparatus, namely, three-hole punches; gummed cloth for stationery purposes, namely, cloth index tabs; inking pads; rulers; shields, namely, paper seals; greeting cards; filter papers; covers (stationery); photograph stands; rubber bands for officeuse; loose leaf paper as stationery; pencil sharpeners, electric or non-electric; pencil holders; luminous paper; palettes for painters; silver paper; waxed paper; modeling paste; office perforators; painters' brushes; house painters' rollers; postcards; rosaries; blot- ters; envelopes as stationery; metal money clip</p> <p>Class 020. First use: First Use: 0 First Use In Commerce: 0</p> <p>fans for personal use, non-electric; pillows; curtain rings; non-metal chests; cup-boards; lecterns; benches; table tops; embroidery frames; chests; folding screens; head-rests, namely, head supporting pillows; decorative boxes made of wood; plastic boxes; toy chests; beds; tea carts; bottle racks; non-metallic baker's bread baskets; cushions; mattresses; commodes; bamboo curtains; cradles, divans; shelves; showcases; card file cabinets; garment bags; non-metallic furniture, bed, door and window fittings; easy chairs; mannequins; tables; decorative mobiles; wind chimes; works of art of wood, wax, plaster or plastic; straws for drinking; umbrella stands; playpens for babies; coat hangers; hat stands; coatstands; desks; magazine racks; sleeping bags for camping; chairs; armchairs; sofas; mountable key boards for hanging keys; footstools; infant walkers; non-metal bottlestoppers; high chairs for babies; embroidery frames; curtain tie-backs in the nature of curtain holders, not of textile material; pillows, air cushions and mattresses not for medical purposes and not for recreational use; stair rods; yellow amber; animal horns; pet cushions; beds for household pets, kennels for household pets; stuffed animals; animal claws and hooves; wooden bedsteads; bamboo, namely, bamboo curtains, blinds and poles; fishing baskets for transporting goods for commercial purposes; non-metal vice benches; work benches; library shelves; non-metallic hinges; wooden reels for yarn, silk, cord or related; wooden covers for bottles; sideboards; busts of wood, wax, plaster or plastic; costume stands; letterboxes not of metal or masonry; non-metal trestles for supporting tables; lockers; bedding except linen, namely, feather beds and mattress toppers, hydrostatic beds not for medical purposes; non-metallic rollers for beds; spring mattresses; settees; reeds, raw or partially worked; non-metallic loading pallets; house numbers, not of metal, non-luminous; filing cabinets; wax figures; hampers in the nature of baskets for transporting goods for commercial purposes; fireplace screens; non-metal bottle closures; non-metal closures for containers; stag antlers; shelves for filing cabinets; non-metallic chests; tortoiseshell; oyster shells; non-metallic containers for storage or transport; raw coral; corks; corkbands; bead curtains for decoration; curtain hooks; curtain rails; rollers for curtains; curtain rods; casks of wood for decanting wine; knife handles, not of metal; decorations of plastic for foodstuffs; storage tanks, not of metal nor of masonry; drawing tables; fixed towel dispensers not of metal; cabinet work; packaging containers of plastic; non-metal broom handles; school furniture; meerschauum, raw or partly worked; non-metallic tent pegs; scratching posts for cats; non-metal steps, namely, step stools; medicine cabinets; figurines of wood, wax, plaster or plastic; display boards; flower-pot pedestals; removable sink mats; non-metallic food storage cabinets; gun racks; non-metal coat hooks; tool handles, not of metal; identity plates, not of metal; straw mattresses; cane; signboards of wood or plastics; wooden furniture partitions; non-metal handling pallets; picture frames; mouldings for picture frames; unprocessed or semi-finished ivory; number plates not of metal; furniture in the nature of trolleys for computers; massage and toiletry tables; metal tables; furniture, namely, sales and display counters; plastic edging for protecting furniture corners; metal and office furniture; doors for furniture; non-metallic furniture rollers; shelves for furniture; unworked or semi-worked mother of pearl; inflatable publicity objects; wall decorations made of plaited straw; nesting boxes for animals; shoulder poles; hairdressers' chairs; poles, not of metal; newspaper display stands; bolts, not of metal; slatted indoor blinds; indoor window blinds; indoor window blinds of woven timber blinds; latches, not of</p>
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	<p>metal; pulleys of plastics for blinds; rivets, not of metal; non-metal stakes for plants or trees; writing desks; book rests; plastic cable clips; shelves for storage; typing desks; non-metal dowels; non-metallic screws; bolsters; nuts, not of metal; furniture, namely, showcases</p> <p>Class 021. First use: First Use: 0 First Use In Commerce: 0</p> <p>Household or kitchen utensils and containers not of precious metal or coated therewith, namely, plates, bowls, cups, beverage glassware, serving forks, servingspoons, serving ladles, and serving tongs; combs; cleaning sponges; brushes, namely, hair brushes, toothbrushes, nail brushes, shaving brushes, clothing brushes, cosmetic brushes, shoe brushes, and scrubbing brushes; brush-making materials, cleaning equipment, namely, toilet brushes; steelwool, unworked or semi-worked glass, except glass used in building; glassware, porcelain and earthenware not included in other classes, namely, statuary, figurines, ornaments, plates, vases and bowls; bottle openers; oil cruets, not of precious metal; cocktail shakers not of precious metal; candle snuffers, not of precious metal; sugar bowls, not of precious metal; serving trays not of precious metal; portable baby baths; cloth for washing floors; glass bowls; tea balls not of precious metal; candy boxes, not of precious metal; bottles, sold empty; pottery, namely, sculptures, vases, vessels, bowls, plates and pots; non-electric coffee-pots; tea caddies not of precious metal; non-electric bottle warmers for babies; shoe horns; candle holders, not of precious metal; wine tasters; flycatchers; decorative centerpieces not of precious metal; electric toothbrushes; wicker baskets, for domestic use, not of precious metal; strainers, not of precious metal; trouser stretchers; ice buckets; ironing boards; tie presses; doorknobs of porcelain; comb cases; ironing board covers; gardening gloves; gloves for domestic use; polishing gloves; dental floss; shoe trees; piggy banks, not of metal; soap dishes; pitchers; bird cages; butter dishes; toiletry bags; works of art, of porcelain, terracotta or glass; toothpick holders, not of precious metal; carpet beaters; bread bins; cleaning rags; pepperpots; clothes-pegs; drying racks for washing; table plates, not of precious metal; feather-dusters; powder compacts, not of precious metal, sold empty; shaving brush holders; sponge holders; toilet paper holders; non-electric trouser presses. non-electric fruit presses for household purposes, namely, juicers; perfume atomizers, sold empty; household utensils, namely, graters; thermally insulated containers for food and beverages for domestic use; crumb trays; coasters for bottles not of paper nor of table linen; trivets table; bootjacks; salt cellars, not of precious metal; clothes racks; coffee and tea services not of precious metal; napkin holders, not of precious metal; washing boards; bread boards; cutting boards for the kitchen; cups, not of precious metal; shirt stretchers; shoe-trees; teapots, not of precious metal; flowerpots; toilet utensils, namely, toilet brushes and toilet brush holders; tableware not of precious metal, namely, serving trays and platters; vases, not of precious metal; cruet stands for oil and vinegar, not of precious metal; buttonhooks; steel wool for cleaning; aerosol dispensers, not for medical purposes; gas pressurized beverage siphon containers, namely, soda water holders and gas cartridges sold empty; insulating flasks; nozzles for watering cans; cotton cleaning rags; Japanese style wooden pestles; containers for household use, namely, glass bulbs; poultry rings; litterboxes for pets; cages for pets; combs for animals; animal bristles; chamois leather for cleaning; buckets; covers for dishes; bird baths; mess-tins; cooking pots and pans; non-electric egg beaters; drinking vessels; bottle gourds; glass jars; isothermic bags, namely, portable cooler bags; glass flasks; sprayer nozzles for sprinkler hoses; powder puffs; porcelain knobs; busts of china, terra-cotta or glass; saucepans; pots; pot lids; boxes of glass; hand-operated coffee grinders; paper towel dispensers; tins for biscuits and snacks, sold empty; cauldrons; butter and cheese dish covers; candle rings not of precious metal; carousel trays, namely, lazy susans; basting spoons, for kitchen use; earthenware saucepans; brushes for washing up; rat traps; ceramics for household purposes, namely, ceramic mugs; beer mugs; fitted picnic baskets; closures, namely, pot lids; non-electric cooking utensils, namely, splatter screens, pouring and straining spouts, skimmers, turners, sieves, strainers,</p>
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	<p>whisks, pot and pan scrapers; cookery moulds; glue-pots; washtubs; strainers for household purposes, not of precious metal; mangers for animals; fruit cups; corkscrews; pastry cutters; cosmetic utensils, namely, cosmetic brushes, cosmetic spatulas, droppers, foam applicator sticks, and non-woven fabric cosmetic wipes; cooking sifters; fiberglass thread, not for textile use; unfinished glass for vehicle windows; painted beverage glassware; cups of paper or plastic; mugs not of precious metals; dustbins; non-paper cachepots; mixing spoons; knife rests for the table; coupes; non-electric dusting brushes; soap dispensers; water apparatus for cleaning teeth and gums for home use; funnels; non-electric floor polishers, namely, floor polish applicators mounted on mop handles; non-electric shoe polisher applicators not containing shoe polish; salad bowls, not of precious metal; brooms; mops; carpet sweepers; brushes for cleaning tanks and containers; enamelled glass; spatulas; spice racks; abrasive sponges for the skin; toilet sponges; sponges for household purposes; statues and statuettes of porcelain, earthenware or glass; scouring pads of metal; coffee filters not of paper being part of non-electric coffee makers; strainers for household purposes; holders for flowers and plants; non-electric deep fryers; frying pans; jugs; ice buckets; ice cube moulds; egg cups, not of precious metal; soap dishes; vegetable dishes, namely, bowls and plates; signboards of porcelain or glass; liqueur sets comprised of decanters and beverage glassware; serving trays, not of precious metal; furniture dusters; confectioners' decorating bags; stockpots; hand mixers; molds, namely, cake molds; mosaics of glass, not for building; non-electric portable cold boxes; non-electric pressure cookers; chamberpots; bowls in the nature of porringers; scoops as table accessories; toothpicks. candelabra, not of precious metal; rolling pins; perfume burners; spouts; flat-iron stands; saucers, not of precious metal; currycombs; mouse traps; items for the refrigeration of foodstuffs containing fluids which change colour for household use, namely, portable coolers; watering cans; lawn sprinklers; lawn sprinkling devices, namely, sprinkler heads for lawn sprinklers; tea services, not of precious metal; soup bowls, not of precious metal; vessels of metal for making ices and iced drinks, namely, drink shakers; sieves as household utensils; abrasive pads for kitchen purposes; glass stoppers; buckets made of woven fabrics; clothing stretchers; indoor terrariums for plant cultivation; napkin holders not of precious metal; non-electric kitchen mixers, namely, hand mixers and egg beaters; urns, not of precious metal; chopsticks; decorative powdered glass; plate glass; indoor aquaria</p> <p>Class 035. First use: First Use: 0 First Use In Commerce: 0</p> <p>advertising; business management; business administration; office functions; retail store services in the fields of games and playthings, clothing, clothing accessories, personal care products, leather goods, luggage and bags, footwear, jewelry, cosmetics, fragrances, sunglasses and housewares; retail store services provided via global computer networks, catalogue, mail order, telephone, radio and television in the fields of games and playthings, clothing, clothing accessories, personal care products, leather goods, luggage and bags, footwear, jewelry, cosmetics, fragrances, sunglasses and housewares; business management consulting; organization of exhibitions for commercial or advertising purposes; promoting the sale of goods and services of others by means of the issuance of customer loyalty cards; modeling services for advertising and sale promotion; publishing of advertising texts; shop window dressing; assistance in business management and product commercialization within the framework of a franchise contract; demonstration of goods; organization of trade fairs for commercial or advertising purposes; sales promotion for others; auctioneering; promotion services for commercial centers; business management of commercial centers; import-export agencies; online advertising on a computer network; procurement services, namely, purchasing games and playthings, clothing, clothing accessories, personal care products, leather goods, luggage and bags, footwear, jewelry, cosmetics, fragrances, sunglasses and housewares for others; newspapers subscription services for others; distribution of samples; computerized file management; public relations; commercial information agencies; advertising agencies;</p>
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	rental of vending machines; rental of advertising space; dissemination of advertising matter; business management assistance; data processing services; compilation of information into computer databases; stenographic transcription; advertising mailing; commercial business management and industrial business management assistance; business management of performing artists; dissemination and distribution of advertising materials in the nature of leaflets, prospectuses, printed matter and samples; updating of advertising material; document reproduction; market research; bill-sticking; public opinion polling; systemization of information into computer databases; publication of advertising texts; publicity; advertising by mail order, radio and television
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U.S. Registration No.	4188603	Application Date	06/21/2011
Registration Date	08/14/2012	Foreign Priority Date	NONE
Word Mark	ZARA BASIC		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 003. First use: First Use: 0 First Use In Commerce: 0</p> <p>Bleaching preparations and other substances, namely, detergents and fabric softeners for laundry use; cleaning, polishing, and abrasive preparations; degreasing preparations for automobiles and countertops; soap; perfumery, essential oils, cosmetics, hair lotions; dentifrices; abrasive cloth, paper and sheets; oils for toiletry purposes; adhesives for cosmetic purposes; adhesives for affixing false eyelashes; adhesives for affixing false hair; eau de cologne; toilet water; scented linen water; starch for laundry purposes; blueing for laundry; cotton sticks for cosmetic purposes; shoe wax; laundry wax; tailors' wax; shoemakers' wax; mustache wax; depilatory wax; parquet floor wax; non-slipping wax for floors; waxes for cleaning and conditioning leather; shampoos for pets; shampoos; hair dyes; cosmetic preparations for eyelashes; cosmetics for animals; eyebrow cosmetics; cosmetic creams; cleansing and conditioning creams for footwear; floor wax removers; bleaching preparations and hair decolorants for cosmetic purposes; deodorants for personal use; detergents for household use and other than for use in manufacturing operations or for medical purposes; starch for laundry; extracts of flowers sold as components of perfumes; greases for cosmetic purposes; incense; soap for foot perspiration; disinfectant soap; deodorant soap; hair sprays; nail care preparations in the nature of nail polish drying sprays; cosmetic pencils; lipsticks; cleansing milk for toilet purposes; lye, namely, caustic soda, sold as a component of soap; shaving preparations; after-shave lotions; lotions for cosmetic purposes; scented wood; beauty masks; decorative transfers for cosmetic purposes; cosmetic kits comprised of blush, lipstick, eye shadow, mascara, make-up and eye pencil; cloths impregnated with a detergent for cleaning; cakes of toilet soap; perfumes; false nails and eyelashes; pumice stones for personal use; make-up powder; pomades for cosmetic purposes; potpourris; cosmetic preparations for slimming purposes; cosmetic preparations for baths; cosmetic sunscreen preparations; hair waving preparations; cosmetic sunscreen products; cosmetic preparations for skin care; dry-cleaning fluids; make-up preparations; non-medicated toiletries; depilatory preparations; make-up removing preparations; non-medicated mouth washes; nail care preparations; sachets for perfuming linen; nail polish removers; color-removing products, namely, hair color removers, hair bleach and laundry bleach; color-brightening chemicals for household purposes, namely, non-chlorine laundry bleach; stain removers; bath salts not for medical purposes; fabric softeners for laundry use; talcum powder for toiletry purposes; cosmetic dyes, namely, hair</p>		

	<p>dyes and beard dyes; tissues impregnated with cosmetic lotions</p> <p>Class 025. First use: First Use: 0 First Use In Commerce: 0</p> <p>Clothing, namely, tops, bottoms, underwear, shorts, jeans, leggings, jeggings and blouses; footwear; headgear, namely, headwear; coats; bath robes; esparto shoes, namely, espadrilles; sandals; non-slipping devices for footwear, namely, heel inserts; bibs not of paper; bath slippers; headbands for clothing; dressing gowns; caps; boas in the nature of necklets; teddies in the nature of underwear; berets; footmuffs in the nature of slippers that are not electrically heated; clothing items, namely, adhesive pockets that may be affixed directly to the inside of clothing for storage and safekeeping of personal items; lace boots; boots; half-boots, namely, ankle boots; scarves; socks; sports and beach footwear; pants; shirts; tee-shirts; singlets; bodices; baby layettes for clothing; shirt yokes; boot uppers; hoods; waistcoats; shawls; fishing vests; jackets; stuff jackets; belts for clothing; money belts for clothing; slips in the nature of undergarments; neckties; corsets in the nature of underclothing; detachable collars; collars; aprons in the nature of clothing; petticoats; slippers; collars for clothing; fur stoles; girdles; skirts; finished ready-made textile linings for clothing; headscarves; overcoats; gabardines, namely, cloaks; shower caps; bathing caps and sandals; bonnets; gloves being clothing; fittings of metal for footwear; waterproof clothing, namely, waterproof jackets and pants; jerseys in the nature of clothing; underwear; liveries; sock suspenders; stocking suspenders; muffs in the nature of clothing; mantillas; stockings; mittens; ear muffs in the nature of clothing; footwear uppers; trousers; pantyhose; babies' diapers of textile; babies' pants; pocket squares; ascots; parkas; shirt fronts; pelerines; pelisses; fur clothing, namely, fur coats, fur stoles, fur muffs and fur hats; pajamas; inner soles; spats; knitwear, namely, knit tops, knit skirts, knit jackets, knit dresses, knit caps and knit gloves; tips for footwear; cuffs; heel pieces for footwear; clothing for gymnastics, namely, leotards, tights and gymnastic shoes; outerclothing, namely, jackets and coats; underclothing; saris; underpants; dress shields; hats; soles for footwear; heels; studs for football boots; braces for clothing; headgear, namely, hats and caps; wimples; togas; trouser straps, namely, suspenders; bathing suits; masquerade costumes; wet suits for water-skiing; suits; turbans; uniforms; veils; clothing of leather, namely, leather pants, leather jackets, leather boots, leather skirts, leather vests, leather belts; knitted clothing, namely, sweaters and sweater dresses; imitation leather clothing, namely, imitation leather pants, imitation leather jackets, imitation leather belts, imitation leather boots, imitation leather skirts and imitation leather vests; paper clothing, namely, paper hats for use as clothing items and paper shoes used when going through metal detectors to keep feet and socks clean; beachwear; dresses; clothing for motorists and cyclists, namely, leather jackets, boots, pants, skirts and vests; cap peaks; gymnastic shoes; shoes; wooden shoes</p>
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Attachments	<p>75545485#TMSN.png(bytes)</p> <p>79058378#TMSN.png(bytes)</p> <p>79088579#TMSN.png(bytes)</p> <p>79103350#TMSN.png(bytes)</p> <p>(Inditex ZARA) Notice of Opposition to Zora Neale Hurston Trust_s ZORA! application Classes 25, 16.PDF(138901 bytes)</p>
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Loni J. Sherwin/
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Name	Loni J. Sherwin
Date	12/31/2015

In re Application No. 86341651 for the mark ZORA!, filed July 18, 2014 and published July 7, 2015

Opposition No.

2. Opposer's rights in the ZARA Marks have been recognized by the United States Patent and Trademark Office ("USPTO"), which has issued numerous federal registrations to Opposer for its ZARA Marks, including the following:

Trademark	Registration No.	Registration Date	Goods/Services
ZARA	1922163	September 26, 1995	Accessories, namely belts, neckwear, scarves, shawls, headwear, gloves, hosiery.
ZARA	2392637	October 10, 2000	Clothing for men, women and children, namely, socks, stockings, panties, tops, vests, undershirts, underpants, pajamas, swimwear, trousers, skirts, slacks, blouses, shirts, t-shirts, sweaters, waistcoats, shawls, pullovers, cardigans, jerseys, jackets, suits, ties, overcoats, coats, track suits, raincoats, gloves, suspenders, belts, stoles and ponchos; footwear; headgear, namely, hats, scarves, caps.
ZARA BASIC	2653040	November 26, 2002	<i>Inter alia</i> , Men, women and children's clothing, namely, socks, underwear, vests, pajamas, skirts, pants, trousers, shorts, blouses, shirts, t-shirts, sweaters, shawls, ties, coats, gloves, belts, headgear, namely, hats, caps and scarves.
ZARA HOME	2987219	August 23, 2005	<i>Inter alia</i> , Clothing for men, women and children, namely, socks, stockings, lingerie, brassieres, hosiery, panties, tops, vests, underpants, pajamas, swimwear, trousers, skirts, dresses, pants, blouses, shirts, T-shirts, sweaters, waistcoats, pullovers, jerseys, jackets, coats, gloves, belts, and ponchos, and footwear; headwear, namely, hats, scarves, caps and headbands.
ZARA HOME	3835143	August 17, 2010	<i>Inter alia</i> , printed publications, namely, magazines and periodicals featuring information and entertainment of general interest; catalogues in the field of games and playthings, clothing, clothing accessories, personal care products, leather goods, luggage and bags, footwear, jewelry, cosmetics, fragrances, sunglasses and housewares; books in the field of cooking, travel, décor, design, architecture.
ZARA	4030529	September 27, 2011	<i>Inter alia</i> , printed publications, namely, surveys, reports, catalogues, and brochures featuring textiles, business developments, and fashion; printed instructional and teaching material in the field of textiles, retail services, fashion, and business administration; calendars; posters; catalogs in the field of games and playthings, clothing, clothing accessories, personal care products, leather goods, luggage and bags, footwear, jewelry, cosmetics, fragrances, sunglasses and house wares; books in the field of cooking, travel, décor, design and architecture; booklets, in the

Trademark	Registration No.	Registration Date	Goods/Services
			fields of textiles, retail services, business developments, and fashion. <i>Inter alia</i> , retail store services in the fields of, <i>inter alia</i> , clothing.
ZARA BASIC	4188603	August 14, 2012	<i>Inter alia</i> , Clothing, namely, tops, bottoms, underwear, shorts, jeans, leggings, jeggings and blouses; headgear, namely, headwear; caps; shirts; tee-shirts; knitwear, namely, knit tops, knit caps; hats; headgear, namely, hats and caps; knitted clothing, namely, sweaters and sweater dresses.

3. Opposer's registrations are valid and subsisting, and Registration No. 1922163 is incontestable. These registrations provide *prima facie* evidence, and the incontestable registration provides conclusive evidence, of Opposer's ownership of the ZARA Marks, of the validity of the marks, and of Opposer's exclusive right to use the marks in commerce.

4. Opposer has extensively used, advertised, and marketed its ZARA Marks in interstate commerce in connection with clothing and related goods and services since at least as early as 1989.

5. As a result of such extensive use, advertising, and marketing, Opposer's ZARA Marks have become famous as distinctive indicators of the origin of Opposer's goods and services, and the marks have become extremely valuable symbols of Opposer's goodwill.

6. Notwithstanding Opposer's prior established rights in the ZARA Marks, Applicant filed an application with the USPTO on July 18, 2014 for the mark ZORA! (Ser. No. 86341651) for, *inter alia*, "Clothing, namely, shirts and hats" in Class 25 and "Printed material, namely, newsletters, informational brochures, programs and books featuring information about the life and writings of Zora Neale Hurston; posters; calendars; decals" in Class 16.

7. Upon information and belief, Applicant knew or had reason to know of Opposer's prior rights in the ZARA Marks when Applicant filed its application.

Count I -- Likelihood of Confusion - §2(d)

8. The mark that Applicant seeks to register so closely resembles the ZARA Marks that the use and registration thereof are likely to cause confusion, mistake, and deception as to the source or origin of Applicant's goods and will injure and damage Opposer and the goodwill and reputation symbolized by the ZARA Marks. Applicant's alleged mark is nearly identical in appearance, sound, and overall impression to Opposer's ZARA Marks. Any minor differences between Applicant's alleged mark and Opposer's ZARA Marks are not likely to be perceived by the consuming public given the undeniable similarities between the marks.

9. Applicant's goods are identical or so closely related to Opposer's goods and services such that the public is likely to be confused, to be deceived, and to assume erroneously that Applicant's goods are those of Opposer, or that Applicant is in some way connected or affiliated with, or approved or sponsored by, Opposer, all to Opposer's irreparable damage.

10. Likelihood of confusion is enhanced by the fame of Opposer's ZARA Marks, such that consumers will assume erroneously that Applicant's nearly identical mark and the goods offered thereunder are sold, approved, or endorsed by Opposer.

11. Likelihood of confusion is enhanced by the fact that purchasers of Applicant's goods are prospective purchasers of Opposer's goods and services, and vice versa.

12. Likelihood of confusion is enhanced by the fact that the parties' goods are relatively inexpensive and thus consumers are not likely to exercise a high degree of care in purchasing.

Count II -- Dilution - §43(c)

13. Opposer's inherently distinctive ZARA Marks have been widely used and advertised in the United States and internationally for many years.

14. A substantial volume of clothing and other products have been sold under Opposer's ZARA Marks throughout the United States and internationally.

15. The extent of consumer recognition of Opposer's ZARA Marks is substantial.

16. Because of the extensive use and advertising of Opposer's ZARA Marks, the substantial sales of products under the ZARA Marks, and the recognition of the ZARA Marks by the consuming public, Opposer's ZARA Marks have become famous as distinctive symbols of Opposer's goodwill.

17. Applicant has filed for, and is making unauthorized use in commerce of, a mark that is nearly identical to one or more of Opposer's famous ZARA Marks.

18. Applicant's use began long after Opposer's ZARA Marks became famous.

19. Applicant's alleged mark is likely to cause, and will cause, dilution of the distinctive qualities of Opposer's ZARA Marks by blurring and tarnishment.

20. Use or registration of Applicant's alleged mark will lessen the capacity of Opposer's famous ZARA Marks to identify and distinguish Opposer's goods and services.

21. Likelihood of dilution is enhanced by the fact that Applicant's alleged mark is nearly identical in appearance, sound, and overall commercial impression to Opposer's ZARA Marks or the dominant portions thereof.

22. Applicant's use or registration of Applicant's alleged mark will deprive Opposer of the ability to protect its reputation, persona, and goodwill.

23. Applicant's use or registration of Applicant's alleged mark will blur and tarnish the goodwill symbolized by Opposer's ZARA Marks.

24. Likelihood of tarnishment and damage to Opposer's goodwill are enhanced by the fact that prospective customers who encounter defects in the quality of Applicant's goods will attribute those defects to Opposer, and this will tarnish Opposer's reputation and goodwill.

25. By reason of the foregoing, Opposer will be damaged by the registration of Applicant's alleged mark, and registration should be refused.

WHEREFORE, Opposer respectfully requests that the registration sought by Applicant be refused and that this Opposition be sustained.

INDUSTRIA DE DISEÑO TEXTIL, S.A. AKA
INDITEX, S.A.

Dated: December 31, 2015

By: /Loni J. Sherwin/
Ricardo Fischer
Ross Q. Panko
Loni J. Sherwin
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Attorneys for Opposer
Industria de Diseño Textil, S.A. aka Inditex,
S.A.

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing **NOTICE OF OPPOSITION** (re: Serial No. 86341651) has been served on Applicant's Attorney of Record Daniel R. Frijouf of Frijouf, Rust & Pyle, P.A., 201 E. Davis Blvd., Tampa, FL 33606-3728, by first-class mail, postage prepaid, this 31st day of December, 2015.

/Loni J. Sherwin/
Loni J. Sherwin, Esq.
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Washington, DC 20006